

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE**

ANTONIO VITOLO *et al.*, )  
Plaintiffs, ) Case No. 3:21-cv-176  
v. ) Judge Travis R. McDonough  
ISABELLA CASILLAS GUZMAN ) Magistrate Judge Debra C. Poplin  
Defendant. )  
)

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**ORDER**

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Before the Court is a motion for temporary restraining order and preliminary injunction filed by Plaintiffs Byron Sackett, Homesteads Management, LLC, Kevin L. Pearson, S & K Soup Co., Alfred Castiglioni, The 579 LLC, Chardonnays Inc., Zinfandel LLC, Denis Flanagan, and 3KAD LLC (collectively, “Plaintiffs”). (Doc. 39.) The Government has responded to Plaintiffs’ motion, arguing that a temporary restraining order and preliminary injunction are not warranted because Plaintiffs’ claims are moot. (*See* Doc. 41.)

In support of their response, the Government submitted the declaration of John A. Miller, Deputy Associate Administrator of Capital Access at the Small Business Association (“SBA”). (Doc. 41-1.) In his declaration, Miller declared under the penalty of perjury that:

- SBA has already commenced processing non-priority applications, including the Plaintiffs’ applications, in a sequential order based on its ordinary review practices. (*Id.* at 3.)
- SBA is not currently processing any priority applications. It will only resume processing for priority applications once it completes processing for all previously filed non-priority applications, and only then if the Restaurant Revitalization Fund is not first exhausted. (*Id.* at 3–4.)

- SBA has already initiated processing and consideration for all of Plaintiffs' applications. (*Id.* at 4–5.)

In light of the Miller declaration, Plaintiffs are **ORDERED** to reply to the Government's response on or before **June 7, 2021**, specifically addressing the Government's mootness arguments and providing any evidence Plaintiffs may have to rebut the Miller declaration.

**SO ORDERED.**

/s/ *Travis R. McDonough*

**TRAVIS R. MCDONOUGH**

**UNITED STATES DISTRICT JUDGE**